

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David L. Kaplan, Juliet Fuhrman and Richard A. Gross
Application No.: 10/767,836 Group Art Unit: 1645
Filed: January 29, 2004 Examiner: N/A
Confirmation No.: 2982
Title: EMULSAN ADJUVANT IMMUNIZATION FORMULATIONS AND USE

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>Aug. 11, 2004</u> Date	<u>Betsy S. Kirschner</u> Signature
<u>Betsy S. Kirschner</u> Typed or printed name of person signing certificate	

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
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Sir:

This Information Disclosure Statement is submitted:

☐ under 37 CFR 1.129(a), or

(First/Second submission after Final Rejection)

☒ under 37 CFR 1.97(b), or

(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).

☐ under 37 CFR 1.97(c) together with either:

☐ a Statement under 37 CFR 1.97(e), as checked below, or

☐ a \$180.00 fee under 37 CFR 1.17(p), or

(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

☐ under 37 CFR 1.97(d) together with:

☐ a Statement under 37 CFR 1.97(e), as checked below, and

☐ a \$180.00 fee under 37 CFR 1.17(p), or

(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)

☐ under 37 CFR 1.97(i):

Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.

(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
 - ☒ Copies of cited references AV2 and AW2 are enclosed.
 - ☒ Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications [AA, AB] are not required and are not being provided.
 - ☒ Copies of the cited references [AS, AT, AU, AX, AY, AZ, AR2] have been entered in prior application, U.S. Application No. 09/518,020, to which priority under 35 U.S.C. 120 is claimed. The earlier application contains copies of the cited references.
 - ☒ The listed references [AR, AV, AW, AS2, AT2, AU2] were cited in the enclosed International Search Report in a counterpart foreign application.
 - ☐ The "concise explanation" requirement (non-English references) for reference(s) [] under 37 CFR 1.98(a)(3) is satisfied by:
 - ☐ the explanation provided on the attached sheet.
 - ☐ the explanation provided in the Specification.
 - ☐ submission of the enclosed International Search Report.
 - ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
 - ☐ the enclosed English language abstract.

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's
Initials

____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
 ____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
 ____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

Examiner

Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

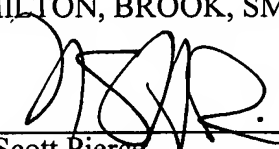
Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 08-0380 in the amount of \$[]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

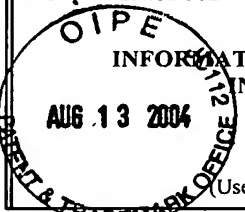
Respectfully submitted,

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 Dated: 8/11/01

PTO-1449 REPRODUCED		ATTORNEY DOCKET NO. 1322.1026-005		APPLICATION NO. 10/767,836	
 <p>August 5, 2004 (Use several sheets if necessary)</p>		FIRST NAMED INVENTOR David L. Kaplan		FILING DATE January 29, 2004	
		EXAMINER N/A		CONFIRMATION NO. 2982	

U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AA	4,311,829	01-19-1982	Gutnick, <i>et al.</i>
	AB	5,464,746	11-07-1995	Fino, <i>et al.</i>

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	Leahy, J.G., <i>et al.</i> , "Transposon Mutagenesis in <i>Acinetobacter calcoaceticus</i> RAG-1," <i>J. Bacteriology</i> , 175(6): 1838-1840 (1993).
	AS	Herrero, M., <i>et al.</i> , "Transposon Vectors Containing Non-Antibiotic Resistance Selection Markers for Cloning and Stable Chromosomal Insertion of Foreign Genes in Gram-Negative Bacteria," <i>J. Bacteriology</i> , 172(11): 6557-6567 (1990).
	AT	Leahy, J.G., <i>et al.</i> , "Transformation of <i>Acinetobacter calcoaceticus</i> RAG-1 by electroporation," <i>Can. J. Microbiol.</i> , 40: 233-236 (1994).
	AU	Weyergraf, A., Homepage: http://www.lifesciences.net/bmep/yb98-99/weyergraf.htm .
	AV	Gorkovenko, A., <i>et al.</i> , "Bioengineering of emulsifier structure: emulsan analogs," <i>Can. J. Microbiol.</i> 43:384-390 (1997).
	AW	Zhang, J., <i>et al.</i> , "Incorporation of 2-hydroxyl fatty acids by <i>Acinetobacter calcoaceticus</i> RAG-1 to tailor emulsan structure," <i>Int. J. Biol. Macromol.</i> 20: 9-21 (1997).
	AX	Fen-Yu, J., <i>et al.</i> , "Secretory leukocyte protease inhibitor: A Macrophage product induced by and antagonistic to bacterial lipopolysaccharide," <i>Cell</i> 88:417-426, February 7, 1997.
	AY	Gorkovenko, A., <i>et al.</i> , "Biosynthesis of Emulsan Analogs: Direct Incorporation of Exogenous Fatty Acids," <i>Proc. Am. Chem. Soc., Div. Polym. Sci. Eng., Spring Meeting</i> , 72:92-93 (1995).
	AZ	Gorkovenko, A., <i>et al.</i> , "Control of unsaturated fatty acid substituents in emulsans," <i>Carbohydrate Polymers</i> , 39(1):79-84 (1999).
	AR2	Shabtai, Y., "Production of exopolysaccharides by <i>Acinetobacter</i> strains in a controlled fed-batch fermentation process using soap stock oil (SSO) as carbon source," <i>Intl. J. Biol. Macromol.</i> 12:145-152 (1990).

EXAMINER	DATE CONSIDERED
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PTO-1449 REPRODUCED INFORMATION DISCLOSURE CITATION IN AN APPLICATION August 5, 2004 (Use several sheets if necessary)	ATTORNEY DOCKET NO. 1322.1026-005		APPLICATION NO. 10/767,836	
	FIRST NAMED INVENTOR David L. Kaplan		FILING DATE January 29, 2004	
	EXAMINER N/A	CONFIRMATION NO. 2982	GROUP 1645	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
AS2	Molitor, T.W., <i>et al.</i> , "Potentiating Effect of Adjuvants on Humoral Immunity to Porcine Parvovirus Vaccines in Guinea Pigs," <i>Veterinary Microbiology</i> , 10(3):209-218 (1985).	
AT2	Smits, Judit E.G., <i>et al.</i> , "Assessment of Humoral Immune Response in Mink (<i>Mustela Vison</i>): Antibody Production and Detection," <i>J. of Wildlife Diseases</i> , 32(2)358-361 (1996).	
AU2	Gross, R. <i>et al.</i> , "Natural Polymeric Surfactants of Medical Importance," <i>Polym. Mater. Sci. Eng.</i> , 81:505-506 (1999).	
AV2	Abbas, A.K., <i>et al.</i> , "Antigen Presentation and T Cell Antigen Recognition," <i>Cellular and Molecular Immunology</i> , W.B. Saunders Company (Harcourt Brace Jovanovich, Inc.) p. 117.	
AW2	Abbas, A.K., <i>et al.</i> , "Introduction to Immunology," <i>Cellular and Molecular Immunology</i> , W.B. Saunders Company (Harcourt Brace Jovanovich, Inc.) p. 4.	

EXAMINER	DATE CONSIDERED
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